

AMERICAN SUBURBAN UTILITIES
RESPONSE TO COMMENTS

9 February 2001

Comment: On what specific date was this new plant construction completed?
[Meyers]

Response: The construction was completed on or about July 21, 2000.

Comment: Page 16 of the permit states that upon completion of construction the permittee must notify IDEM in writing. On what date was that done?
[Meyers]

Response: The milestone compliance date of completed construction will never be formally reported. The compliance schedule was incorporated into the draft permit in anticipation of issuance of the NPDES permit ahead of completion of construction. Due to the delay in the issuance of the permit, construction of the expanded treatment plant is now complete, thus rendering the concept of a schedule of compliance moot.

Comment: Page 2 of the Fact Sheet states that the limits for the proposed treatment facility take effect no later than 30 days after completion of construction. Why should the draft permit on page 11 give a different schedule extending to 36 months? The time limit is excessive.
[Meyers, Naumann, Smith]

Response: The schedule of compliance within the permit and Fact Sheet statement mentioned in the comment serve the same identical purpose. The completion date of construction at the time of permit drafting was unknown. Standard language in the form of a generic schedule of compliance was inserted into the permit in order that the state would be duly informed of completion of construction and the need to start reporting final limits.

Comment: What is the specific effective date of the permit and specific compliance date?
[Meyers]

Response: As reiterated from above, the delays in the issuance of the permit from pre final construction to post final construction has rendered the concept of a schedule of compliance to assure construction moot. The permit final limits shall be in force upon the effective date of the permit, which will be April 1, 2001.

Comment: By what means and how quickly will neighbors be notified of any bypass or noncompliance?
[Meyers]

Response: Any affected party is free to request and pay for copies of any discharge monitoring reports submitted by American Suburban Utilities as they are a matter of public record. The Office of Water Quality does not have a mechanism in place for individual notification. However, a statute was passed last year by the legislature which requires notification to IDEM of any plant upsets.

Comment: What is ASUs written chlorine emergency plan?
[Meyers]

Response: There are no code or statute provisions requiring IDEM to mandate an evacuation plan in the event of a chlorine release. It is suggested you contact the local Civil Defense or Air National Guard office for the county wide evacuation plan.

Comment: What are the specific reasons for chlorination from November 1 to March 31? They are mentioned on page 3 without details.
[Meyers, Smith]

Response: Chlorination is only required during the recreation season of April 1 to October 31, annually as stipulated in 327 IAC 5-10-6. Some possible, but not necessarily probable, uses alluded to outside of the recreation season in footnote 5 of page 3 include treatment for filamentous bacteria related to sludge bulking, cleaning of tertiary sand filters and the use of halogenated pesticides for snail or zebra mussel eradication.

Comment: What are the specific amounts sufficient to be acutely toxic to, or otherwise severely injure or kill aquatic life, other animals, plants, or humans?
[Meyers]

Response: The specific tenor of this question is somewhat unclear as it is not toxicant specific, thus no specific answer can be generated. The phrase in the comment has been quoted from the narrative minimum water quality standards on page 5 of the permit. The narrative criteria are used as the basis for limiting specific pollutants where the State has no numeric criteria or used to limit toxicity where the toxicity cannot be traced to a specific pollutant. The numeric limitations as contained in Table 1 and 2 of the permit protect against certain expected discharges of pollutants while narrative limitations of page 5 provide some protection against impacts that are not as predictable. This is accomplished normally with an additional requirement incorporated into the permit in the form of Whole Effluent Toxicity Testing (WETT) which is designed to protect the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. It is the opinion of the State that major dischargers of the semi-public type not conduct this additional monitoring unless a substantial discharge flow from industrial sources is present.

Comment: On what specific date will ASU become a class III facility?
[Meyers, Smith]

Response: ASU will become a Class III facility upon the effective date of the issued permit.

Comment: What is an adequate operating staff for a class III facility and what are their names, home and cell phone numbers, qualifications and when will they be on vacation? All this is necessary for the safe security of our neighborhoods.
[Meyers, Winslow]

Response: Neither the quantity of operating staff, nor the individual identities and telephone numbers for a specific class of facility are defined and/or required in statute or rule. Under 327 IAC 5-2-8(8), ASU is required to maintain the facility in good working order and efficiently operate all systems and appurtenances for the collection and treatment of sewage. Under this provision, ASU determines how many employees are required to meet this requirement.

Comment: What are the specific locations for each measurement or sample?
[Meyers, Winslow]

Response: In general, samples are to be representative of the final treated effluent and may be taken any where from the last treatment process to the actual end of the discharge pipe.

Comment: Where is ASU to retain records to be available to the public?
[Meyers]

Response: ASU reports, required under the terms of its NPDES permit, are available to the public at IDEM in its file room from the hours of 8:30 a.m to 4:30 p.m. Monday through Friday. The facility is also required to retain copies of records at the WWTP.

Comment: How does IDEM confirm the accuracy of the permit application or reports?
[Meyers]

Response: The permitting action is based on a revocation and reissuance of the NPDES permit due to construction activity based on request by American Suburban Utilities. A complete application was not deemed necessary and only U.S. EPA Application Form 1 was requested for general information. All other relevant information was contained within the construction summary issued by IDEM. In the event of suspicious discharge monitoring reports, IDEM inspection staff may request a split sample for verification of results.

Comment: On what specific date will ASUs standby electrical power be installed?
[Meyers]

Response: IDEM will not be requiring ASU to install standby electrical power. A best engineering assessment of the situation was conducted prior to the issuance of the construction permit by IDEM and it was concluded that such an installation was not warranted.

Comment: The draft permit addresses discharge from one specific outflow pipe and ASU is felt to also discharge from lagoons built in the 1960s and from manhole covers in the collection system. There appears to be no work going on in the collection system.
[Meyers, Smith]

Response: The existing lagoons have a clay liner as so noted in the construction summary for the ASU expansion. 10-State Standards dictates that an acceptable leakage rate for such a pond is 500 gallons per day per acre of surface area. At the previous design flow of 0.76 MGD it was felt that repair to the collection systems was not cost effective. Due to the increasing service base of ASU, IDEM felt it was more prudent to expand the plant to correct hydraulic overloading of the collection system.

Comment: What third and independent party has tested and will monitor the new tanks to be certain there are no leaks?
[Meyers]

Response: There will be no independent outside investigation of the structural integrity of tankage installed during the upgrade. IDEM lacks statutory authority to require such independent investigations.

Comment: 327 IAC 5-2-17(c)(4) allows for 90 days for startup before the facility is required to meet permitted effluent limits. Only 30 days has been granted.
[Barnes & Thornburg]

Response: The rule mentioned above allows for up to 90 days to be granted and applies only to new source dischargers. Since construction was completed in July, 2000, this point is moot.

Comment: The newly installed chlorination system cannot assure 100% compliance to the daily maximum *E. coli* limitation.
[Barnes & Thornburg]

Response: The IDEM recognizes effluents are variable. The derived permit limits contained within

the permit have been developed based on a low probability of exceedance. In essence, the effluent limits drive the degree of plant performance desired, which, after considering acceptable effluent variability, will only have a low statistical probability of exceeding the wasteload allocation. The role of the design engineer is to provide IDEM with a workable design capable of meeting the effluent limits provided in advance to individual dischargers.

Comment: The current facility is not designed to meet interim ammonia limits; said limits should be eliminated.

[Barnes & Thornburg]

Response: This request has been granted.

Comment: The modeled final limits are not based on the March 22, 1999 EPA criteria. It is requested that site specific pH data and the updated criteria be utilized.

[Barnes & Thornburg]

Response: This request cannot be granted. IDEM has not yet developed the modelling program to use 1999 criteria.

Comment: Total residual chlorine limits are below the level of detection. Manganese may produce analytical aberrations based on interference. It is requested that six months pass before final limits take effect in order to evaluate this.

[Barnes & Thornburg]

Response: This request cannot be granted.

Comment: The minimum water quality standards as contained at 327 IAC 2-1-6(a)(1) are incomplete in the permit. We request the complete language be inserted.

[Barnes & Thornburg]

Response: This request has not been granted.

Comment: The background section needs revisions to the second, third and fourth to the last sentences of the final paragraph.

[Barnes & Thornburg]

Response: The fourth to last sentence has been amended to reflect the exact wording as contained in the construction summary issued April 20, 1999. The third to last sentence has not been deleted as requested as the construction summary indicated that discharge is to occur through an effluent lift station to the NPDES outfall. The second to last sentence has not been modified as the construction summary calls for magnetic flow meters.

Comment: Drinking water is substandard, *E. coli* present in drinking water, drinking water sampling overdue, nauseous odors, polluted air and noise from the plant, dumping of raw sewage into Indian Creek. ASU has a long non-compliance record.

[Miatke, Miller, Cairns, Schneider, Naumann, Winslow, Young, Kim, BeMiller, Smith]

Response: The NPDES permit does not regulate drinking water. State statute does not provide regulations to control odor or plant noise. In response to the discharge of untreated sewage and other items of non-compliance, IDEM imposed a sewer connection ban on ASU on March 3, 1999. The ASU has responded by upgrading its treatment facility in order to alleviate hydraulic overloading.

Comment: No further connections should be allowed. IDEM needs to have an inspector in place daily.

[Naumann]

Response: With completion of construction which alleviates hydraulic overloading, IDEM no longer has cause to impose a sewer connection ban. IDEM does not have available personnel to station an inspector at treatment facilities on a daily basis.

Comment: The plant should be seized and consolidated with the West Lafayette sewer district.

[Naumann, BeMiller]

Response: IDEM does not have reasonable cause at this time to pursue such a course of action.

Comment: Will increased flow harm the creek's health? Will more monitoring be required?

[Young]

Response: The limitations and monitoring requirements contained within the NPDES permit are designed to provide safe living conditions for aquatic life within the receiving stream. With the increase in design flow, the monitoring rate for the discharge into the creek has been increased.

Comment: New limitations are imposed for ammonia. How is ASU going to meet them?

[Smith]

Response: Effluent limits are drafted prior to the design of any proposed treatment plant. An engineering review makes the determination if the submitted plans are adequate to meet the stated limits. This type of plant design has been so constructed as to inherently nitrify.

Comment: Is ASU planning to build a laboratory on site? Is assay plan cost effective?

[Smith]

Response: ASU will demolish the old laboratory building and provide a new control and equipment building. Cost effectiveness is not a part of the drafting process for an NPDES permit. Cost generally only comes into play if a discharger submits a variance application from a water quality standard.

Comment: Sludge is a byproduct of sewage treatment. The permit is deficient in including or referencing regulations dealing with the disposal of the generated sludge.
[Smith]

Response: Sludge management is covered in the permit in Part II.B.4 under the heading of Removed Substances. As so stated in the permit, ASU is required to comply with all the State and Federal regulations so listed.

Comment: Under what circumstances is IDEM prepared to cancel ASUs operating permit?
[Cohen]

Response: Such action is possible when, under 327 IAC 5-10-7(a), IDEM deems it necessary in the interest of the health, safety and welfare of residents that ASU connect to another existing treatment works. If such an action was considered necessary by IDEM, the NPDES permit would be terminated upon connection. Such action is considered by IDEM to be a last resort after all other corrective actions have failed.

Comment: I would like to see in the permit a prescribed technique for testing *E. coli*.
[Sherman]

Response: Such techniques are covered in the permit under Part I.B.5. The listed reference documents contain the appropriate test methodology for bacterial analysis.

Comment: Why is this sewage system allowed to flow into a creek that does not flow year-round?
[Collins]

Response: The effluent limitations contained within the NPDES permit for ASU have been calculated from State standards, with the dry condition of the ditch in mind, which are designed to protect aquatic life downstream of the final discharge. The limits were calculated with the lowest stream flow value expected to occur for seven consecutive days in any ten year period.